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10/080,476	02/22/2002	Graeme John Proudler	B-4515 619561-7	8509

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HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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TRUONG, THANHNGA B

ART UNIT	PAPER NUMBER
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2435

NOTIFICATION DATE	DELIVERY MODE
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03/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/080,476	<b>Applicant(s)</b> PROUDLER ET AL.	
	<b>Examiner</b> THANHNGA B. TRUONG	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is a supplemental office action to clarify the status of the office action mailed out on March 18, 2009, which should be Non-Final. This action is responsive to the communication filed on December 15, 2008. Claims 11-19 are pending. At this time claims 11-19 are still rejected.

#### ***Response to Arguments***

2. Applicant's arguments filed December 15, 2008 have been fully considered but they are not persuasive. However, for the record to be cleared, Examiner has removed Rieger that was inadvertently used in the previous rejection. Therefore this office is Non-Final.

Applicant and/or Applicant's representative has pointed out that no actual interview was conducted between the undersigned and the Examiner or Examiner's Supervisor for the issue of Notice of Defective Appeal Brief that was mailed on August 19, 2008. It is a reminder to the Applicant and/or Applicant's representative that a record needed to be cleared since the applicant's representative requested the Notice of Defective Appeal Brief to be withdrawn. Besides, the call was initiated by the applicant's representative. Thus, office absolutely has to record as initiated interview whether or not it was formal or informal.

Applicant and/or Applicant's representative also argues that a prima facie case of obvious has not been established. In other words, the combination of teaching between Meadow and Anderson is improper due to the fact that Meadow does not disclose "information access point including apparatus for retrieving information relating to trusted computing platforms located within said pre-determined geographical area." Applicant also argues that he/she was being forced to guess what was teaching in Meadow for the section that was cited by the Examiner.

Examiner respectfully disagrees with Applicant and/or Applicant's representative for the above argument. Meadow discloses the present invention is directed to a method and system for monitoring the geographical location of a subscriber's mobile cellular telephone, and for providing the location information to an

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authorized user through the world wide web. The geographical location of the subscriber's mobile cellular telephone is tracked using registration signals transmitted over a control channel by the cellular telephone. This information is supplied to a geographical location coordinator system, which determines the geographical coordinates for the cellular telephone. A database stores the geographical location information along with a subscriber's telephone number and account code. The database is updated to track the movement of the cellular telephone user across a geographical area. An authorized user accesses the geographical location information for one or more cellular telephones using mapping software on an Internet browser. The user provides one or more access codes for each cellular telephone that the user desires to locate (column 2, lines 3-21 of Meadow). Besides, Meadow further discloses that the geographical location for a wireless handheld device 10 may be determined according to a variety of methods. Each of these methods utilize control signals that are emitted and received by the wireless devices. As shown in FIG. 2, mobile cellular telephone 10a is located near cell towers 21, 22, and 23, and is closest to cell tower 21. The cell towers may be spaced one to five miles from each other, depending upon the amount of cellular use in a given area. In FIG. 2, each of the cell towers receives control signals from cellular telephone 10a. For cell tower 21, this information is sent to a mobile switching center (MSC) 25 through cell control 24. Cell tower 21 also broadcasts control signals sent from the MSC, which are then received by wireless devices. The control signals are used for registering that a wireless device is operating within a cell, so that the wireless network can establish a communications link between a cell tower and the device. One method for determining the geographical location is to identify the cell tower that is physically within the closest proximity (column 4, lines 1-20 of Meadow, wherein cell tower is the access point). These wireless communication is a conventional standard feature that is so obvious and well known in the art that Meadow has clearly disclosed. Although Meadow teaches an information system using access point with related pre-determined geographical area for network communication via authorized user/client, Meadow is silent on the capability of communicating with trusted

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computing platform. On the other hand, Anderson teaches this limitation in column 5, line 54 through column 6, line 2 of Anderson.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, from the above explanation, the combination of teaching between Meadow and Anderson is efficient and proper.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Meadow and Anderson do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

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For the above reasons, it is believed that the rejections should be sustained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meadows et al (US 6,716,101 B1), and further in view of Anderson (US 6,115,819).

a. Referring to claim 11:

i. Meadows teaches an information system comprising:

(1) an information access point relating to at least one pre-determined geographical area, said information access point including apparatus for retrieving information relating to trusted computing platforms located within said pre-determined geographical area, said information system being arranged to provide said information to a user upon request (**column 2, lines 3-28 and column 5, lines 13-29 of Meadows**).

ii. Although Meadow teaches an information system using access point with related pre-determined geographical area for network communication via authorized user/client, Meadow is silent on the capability of communicating with trusted computing platform. On the other hand, Anderson teaches this limitation in **column 5, line 54 through column 6, line 2 of Anderson**.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Meadow with the teaching of Anderson for monitoring geographical location and movement (**column 1, line 11 of Meadow**).

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iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Meadow with the teaching of Anderson for providing the location information to an authorized user through the world wide web **(column 2, lines 4-6 of Meadow)**.

b. Referring to claim 12:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Meadows further teaches:

(1) wherein said information system is arranged to provide as said information only details and/or a list of public keys (e.g., access codes) of genuine trusted computing platforms within said pre-determined geographical area **(column 5, lines 13-29 of Meadows)]**.

c. Referring to claim 13:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Anderson further teaches:

(1) wherein said information access point comprises a trusted computing platform **(column 5, line 54 through column 6, line 2 of Anderson)**.

d. Referring to claim 14:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Meadow further teaches:

(1) comprising apparatus for communicating or interacting with a user's portable computing apparatus **(column 5, lines 30-47 of Meadows)**.

e. Referring to claim 15:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Meadows further teaches:

(1) wherein said apparatus for communicating or interacting a user's portable computing apparatus is arranged to perform said

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communication or interaction by physical contact or directional wireless communication **(column 5, lines 30-47 of Meadows).**

f. Referring to claims 16-17:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Meadows further teaches:

(1) incorporating or accompanied by a declaration concerning the trustworthiness of the system; wherein said declaration is capable of interpretation by a user without preprocessing by an information processing system **[i.e., Figures 4 and 5 shows the graphical user interface for monitoring system for monitoring the four adolescent children and the three individuals (column 5, lines 48-67 and column 6, lines 1-36 of Meadows)].**

g. Referring to claim 18:

i. The combination of teaching between Meadows and Anderson teaches the claimed subject matter. Meadow and Anderson further teaches:

(1) arranged to verify the identity of a user **(column 2, lines 5-6 of Meadow; column 1, lines 30-34 of Anderson).**

h. Referring to claim 19:

i. This claim has limitations that is similar to those of claim 15, thus it is rejected with the same rationale applied against claim 15 above.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-272-8300.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2435

TBT

March 18, 2009